

REMARKS

This Amendment responds to the Office Action mailed on May 14, 2004. Claims 1, 12, 18 and 27 have been amended. Claims 11, 13, 16, 17, 19-26 and 38-41 have been cancelled. Claims 1-10, 12, 14, 15, 18, and 27-37 are currently pending. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance.

In the Office Action, Claims 1-15 and 30-41 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,581,593 ("Engelke"). Claims 16-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,375,165 ("Haber"). Claims 27-29 were rejected under 35 U.S.C. § 103 as being unpatentable over Haber in view of U.S. Patent No. 6,006,351 ("Paretz").

Claim Rejections over Engelke - Claims 1-15

Regarding the rejection of claims 1-15 as anticipated by Engelke, Applicants submit that the rejection of claims 1-10, 12, 14 and 15 have been overcome by the amendment to independent claim 1. Rejected claims 11 and 13 have been cancelled by this Amendment.

Independent claim 1 is patentably distinct from the Engelke reference because, among other distinctions, the Engelke reference does not disclose, teach, suggest or motivate a communication device with keyboard mode control software that automatically determines which keyboard mode is associated with an active software application. For example, the communication device of claim 1 may include one or more software applications that require a data entry keyboard mode, such as an electronic messaging application or an address book application, and also one or more software applications that require a telephony mode, such as a cellular telephone application. When one of the software applications is active, the keyboard mode control software automatically determines which keyboard mode (e.g., data mode or telephony mode) is required by the application and then automatically processes keystrokes using the keyboard mode associated with the active software application. For instance, if an address book

software application is active, then the keyboard mode control software may automatically determine that a data mode is required and thus automatically convert keyboard output signals into character codes. Similarly, if a cellular telephone application is active, then the keyboard mode control software may automatically determine that a telephony mode is required and thus automatically convert keyboard output signal into telephony tone signals.

The Engelke reference does not describe any means for automatically determining a keyboard mode associated with an active software application. The Engelke reference describes five operational modes: an Idle mode, a Telephone mode, a page mode, a speed dial mode and a setup/directory mode. Significantly, some input by the device user is required before the Engelke device will switch between any of these operational modes. (See, Engelke, col. 5, line 11 - col. 7, line 64.) For example, in order to enter the Setup/Directory or Page mode in which keystrokes may be processed as alphanumeric characters, the device user must first press a setup/directory key 27 or a page key 26. (See, Engelke, col. 6, lines 10-24 and lines 50-65.)

For at least these reasons, Applicants contend that amended claim 1 is patentable distinct from the Engelke reference and is in condition for allowance. Claims 2-10, 12, 14 and 15 each ultimately depend from amended claim 1, and are therefore also in condition for allowance.

Claim Rejections over Engelke - Claims 30-41

Rejected claims 38-41 have been cancelled by this Amendment. With regard to the rejection of claims 30-37 as being anticipated by the Engelke reference, Applicants respectfully submit that these rejections are improper and must be withdrawn.

Applicants respectfully submit that the rejections of claims 30-37 under 35 U.S.C. § 102 set forth in paragraph 2 of the Office Action do not take into account the limitations set forth in the claims. The Office Action makes no attempt to show correspondence between the cited Engelke reference and the

claim limitations of claim 30-41. Indeed, the claim rejections do not recite any claim language from claims 30-41 whatsoever. Rather, the Office Action relies solely on the recitation of claim language from rejected claims 1-15, with no explanation of the relevance of these rejections to the claim language of claims 30-41. This type of cursory rejection is not specific enough for Applicants to fairly rebut. Claims 30-41 include claim limitations that are not recited in claims 1-15. Thus, Applicants are forced to guess at the reasons for the rejections and the relevance of the recited structure to the limitations of claims 30-41. Thus, the rejections of claims 30-41 set forth in paragraphs 2 of the Office Action fail to satisfy 37 C.F.R. Section 1.104(b) *Completeness of Examiner's Action* which states "the examiner's action will be complete as to all matters..." See also, MPEP 2131.01 ("To anticipate a claim, the reference must teach every element of the claim.") Applicants therefore submit that the rejections of pending claims 30-37 are improper and must be withdrawn.

Moreover, Applicants further submit that proper rejections of claims 30-37 under 35 U.S.C. § 102 could not be made because the rejected claims are patentably distinct from the Engelke reference. Among other differences, independent claim 30 includes a keyboard mode control software module that controls both 1) whether the keyboard output signal for each of the plurality of keys represents a number or a letter and 2) whether the output signals are converted into character codes or telephony tone signals. That is, a plurality of keys on the multifunctional keyboard can function as either letter keys or number keys, depending upon the operational mode of the device. An example is illustrated by Figures 3a and 3b. As explained in the written description, "Similar to the multifunctional keyboards 10, 20 described above with reference to Figs. 1 and 2, this multifunctional keyboard 30, 31 may operate in telephony mode, data mode, and possibly joint mode. In addition, however, this multifunctional keyboard 30, 31 utilizes less keys by providing a letter entry mode, shown in Fig. 3a, and a number entry mode, shown in Fig. 3b. While in letter entry mode, the keyboard 30 preferably comprises a QWERTY style keyboard 30... When the keyboard 31 is in number entry mode, however, a number of the keys are remapped to provide a numeric keypad..." (Detailed Description, page 5, lines 9-20.) Even a cursory review reveals that the

Engelke reference does not disclose anything similar to this claim element. Therefore, independent claim 30 is patentably distinct from the Engelke reference and is in condition for allowance. Claims 31-37 each ultimately depend from claim 30, and are thus also in condition for allowance.

Claim Rejections over Haber

Regarding the rejections of claims 16-26 as being anticipated by the Haber reference, Applicants respectfully traverse the rejections of claims 18 and 27-29. Claim 18 has been rewritten in independent form, including all of the limitations of its cancelled base claim. Claims 16, 17 and 19-26 have been cancelled.

Applicants submit that claim 18 is patentably distinct from the Haber reference because, among other distinctions, the Haber reference does not disclose, teach, suggest or motivate a method for controlling an operational mode of a multifunctional keyboard for a communication device wherein a service store memory location is accessed in order to detect whether a telephony mode or a data mode is associated with an active application. Rather, the Haber reference merely discloses switching between two keyboard modes, a standard mode and a control mode, by physically depressing a LINE key 207 or a DIAL key 206. (See, Haber, col. 5, lines 53-60; col. 6, lines 31-42). The device disclosed in Haber does not access a memory location to detect which keyboard mode is associated with a currently active application. For at least this reason, Applicants submit that independent claim 18 is patentably distinct from the Haber reference and is in condition for allowance.

Claim Rejection under 35 U.S.C. § 103

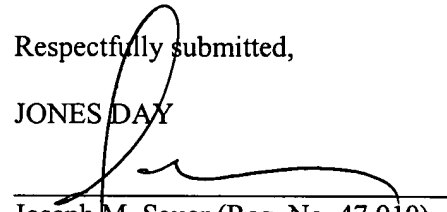
Regarding the rejection of claims 27-29 as being unpatentable over Haber in view of Paretz, claims 27-29 each ultimately depend from claim 18. Independent claim 18 is patentable and in condition for allowance for at least the reasons stated above. Therefore, rejected dependent claims 27-29 are also in condition for allowance.

Conclusion

For the foregoing reasons, Applicants respectfully submit that claims 1-10, 12, 14, 15, 18, and 27-37 are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue.

Respectfully submitted,

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